

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JENNIFER MORGAN-TYRA, and)
MICHAEL MORGAN,)
)
Plaintiff,)
)
vs.) Case No. 4:18-CV-01799-AGF
)
CITY OF ST. LOUIS, and OFFICER)
ANDREI NIKOLOV,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion (ECF No. 76) of Objector the Office of the Circuit Attorney for the City of St. Louis (the “Circuit attorney”) to quash Plaintiffs’ subpoena directed to Tenisha Newson, who is employed by the Circuit Attorney. Neither the Circuit Attorney nor Ms. Newson is a party to this action.

According to the Circuit Attorney, Plaintiffs’ subpoena was served under Federal Rule of Civil Procedure 45 and directs Ms. Newson to produce a Samsung Galaxy phone belonging to Plaintiff Jennifer Morgan-Tyra. The Circuit Attorney contends that neither Ms. Newson nor the Circuit Attorney has custody of the Samsung Galaxy phone at issue and that the phone may be more appropriately obtained from another source, namely, the Sheriff’s Office of the City of St. Louis (“Sheriff’s Office”). The Circuit Attorney also attaches an affidavit from a Sheriff’s Office official attesting that the Sheriff’s Office is in custody of the phone.

Plaintiffs have not responded to the motion to quash, and the time to do so has passed. Upon careful consideration under Rule 45(d), and for the reasons set forth in the motion to quash, which Plaintiffs have not opposed,

IT IS HEREBY ORDERED that the Office of the Circuit Attorney for the City of St. Louis's motion to quash Plaintiffs' subpoena is **GRANTED**. ECF No. 76.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 6th day of April, 2020.